

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY TABAREZ,

Plaintiff,

No. CIV S-04-0360 LKK PAN P

vs.

DIANA BUTLER, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner without counsel seeking relief pursuant to 42 U.S.C. § 1983. On February 2, 2006, plaintiff filed a motion to compel defendant Max Lemon to produce items plaintiff seeks in his First Set of Requests for Production pursuant to Fed. R. Civ. P. 34. Plaintiff attaches a copy of the First Set of Requests for Production he sent to defendant David R. Rios and responses defendant Max Lemon served to plaintiff's First Set of Requests for Production. On February 13, 2006, defendant Lemon filed an opposition, noting that plaintiff had attached a discovery request served on a different defendant. On February 21, 2006, plaintiff filed an identical motion to compel production based upon his First Set of Requests for Production served on defendant Lemon and on March 8, 2006, defendant Lemon filed an opposition.

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1 The motions are identical except for the attachment to the February 2, 2006,  
2 motion which pertains to defendant David R. Rios. The court has ruled on the February 21,  
3 motion.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's February 2, 2006,  
5 motion is denied.

6 DATED: April 7, 2006.

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9 UNITED STATES MAGISTRATE JUDGE

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